

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

ANTHONY FILLER,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC.,

Defendant.

CV 19-61–BMM–JTJ

**ORDER ADOPTING MAGISTRATE  
JUDGE’S FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on November 19, 2019 (Doc. 22.) Judge Johnston recommended that Defendant United Parcel Service, Inc.’s Motion to Dismiss (Doc. 6) be denied as moot.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 22) are **ADOPTED IN FULL**. Defendant United Parcel Service, Inc.'s Motion to Dismiss (Doc. 6) is **DENIED AS MOOT**.

DATED this 2nd day of March, 2020.



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Brian Morris  
United States District Court Judge